



PAT-1461-CON

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------------|---|-----------------------------|
| In re Application of |) | Art Unit: 2875 |
| Bilotti |) | |
| |) | Examiner: Hargobind Sawhney |
| Serial No.: 10/706,004 |) | |
| |) | |
| Filing Date: November 12, 2003 |) | |
| |) | |
| For: Lighting Structure for Patio |) | |
| Umbrella |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER (37 CFR 1.321)

Petitioner, Dayva International, having principal offices at 7441 Vincent Circle, Huntington Beach, CA 92648 in the State of California, represents that it is the assignee of the entire right, title and interest in and to the inventions disclosed in the present application serial no. 10/706,004, filed November 21, 2003, which is a continuation of serial no. 10/216,539, filed August 9, 2002, now U.S. Patent No. 6,659,616 ("the '616 Patent"), as evidenced by Assignment recorded on November 26, 2002, in the United States Patent and Trademark Office, at Reel 013534, Frames 0442 et seq. (2 pages)

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the '616 Patent, and which are commonly owned by Petitioner. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '616 Patent, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the

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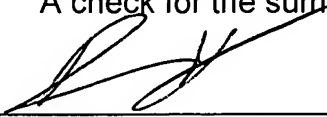
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above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of the '616 Patent, in the event that any such patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

In accordance with 37 CFR 3.73, the undersigned hereby certifies that the evidentiary documents with respect to ownership have been reviewed and that, to the best of the undersigned's knowledge and belief, title is in the petitioner seeking to take this action.

FEE PAYMENT

A check for the sum of \$55.00 pursuant to 37 CFR 1.20(d) is enclosed herewith.



Raymond Sun
Attorney for Applicant

Dated: July 30, 2004